3dly, That as my Lord Keeper Acted with much Honour, and did his Duty for the publick good, in Reporting my Letter before mention'd to the House of Peers, so on the contrary Sir *George Treby*, in refusing to Read or Report my Letter, or Petition to the House, has not only deny'd Justice, and put a stop to this necessary Discovery, and Contributed to protect those Criminals that ought to be brought to Justice: But has also given a president to Encourage Evil Practices, and Destroy the Liberty of the subject by taking away the Petition Right. For if Officers and Ministers of Trust Act Corruptly, and Oppress the People, and there be no way to appeal from their Justice but to Parliament, then such Appeal or Complaint must be by Petition; But if the known Liberty and Right of Petitioning be destroy'd, our Laws are Ineffectual and all great Men become Lawless, none being able to bring them to answer their Crimes: And if our Laws are not put in Execution, they are in effect Discontinu'd and Aboliſh'd. And if Laws be the Foundation support and upholder of Government, Then whatever Government wants will or strength to assert its own Laws, and bring offenders to Justice must needs be in a very weak and Tottering Condition and near a period, and this ought to be matter of great sorrow, to all thinking Men that wish the prosperity of their Country, for however, slightly it may be thought of 'tis certainly a most sore and dangerous Disease, and Requires a speedy and strong purge, or 'twill be past Cure.

And therefore in short, if there be any Law in *England*, to punish those hanious Crimes that I have offer'd to prove, I do and shall insist on, and Demand it as my Birth Right, to be Speedily and Legally heard upon my Petition, and Articles now lying in the House of Peers: Nor doubting but by their Lordships Wisdom, Prudence and Moderation, matters may soon be Regulated to the Happiness of the King and Kingdom.

Robert Crosfeild.

February 18*th* 169$\frac{5}{6}$.

All which will appear by the Violent Oppression, Injustice, and judicial Blindness of the present Age.

For Brevity's sake I shall pass over a great Act of * Injustice done to the Publick by the Commissioners of Accounts, in the beginning of the Session of Parliament, holden in the Year 169$\frac{6}{7}$. and begin the Relation of my Proceedings, at the Exhibiting my Petition to the House of Peers, the same Session of Parliament, as followeth, viz.

* I presented to the House of Peers the following Petition.

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* I presented to the House of Peers the following Petition.

The Neceſſity of altering the preſent OATH OF ALLEGIANCE *made evident: Alſo the* DECLARATION *Signed by above* 28000 *in* Lancaſhire, *when they expected a late* French *Invaſion, Compared with the* ASSOCIATION *Signed in this* Preſent Parliament.

In a LETTER to a Nobleman.

IF, My Lord, it were poſſible for any private conſideration to add to the ſatisfaction *your Lordſhip* has, in the happy Diſcovery of that Horrid Plot againſt his *Majeſties Perſon*, and *Government*, which is now too big to be Conceal'd; I might believe it would be a particular pleaſure, to be freed from that Character, which Men *of great Moderation in the Cauſe of God and their Countrey*, affix to thoſe, who, believing that the moſt will act according to their avowed Principles, have long deſired to come to a diſtinction who, by Principle, are againſt the Government, and who for it.

This the *Houſe of Commons* have done in great Meaſure, by their Voluntary *aſſociation*, in which they have ſet an excellent Example to all Societies of Men among us; and claim the Honour of being before hand with the People; as they, in the time of Queen *Elizabeth*, were with the *Parliament*, which rejoyced to ratify what they worthily did, without ſtanding nicely upon Ancient Forms.

But certain it is, the Wiſdom of former Ages, has thought no *Publick Aſſociations* ſufficiently *Solemn* without an *Oath*, which invokes *the Almighty* for a Witneſs and Party to what is declared before Men: and they who would not be *Sworn Brethren* to defend the King and Kingdom, were deſervedly accounted *Out-laws*, if not Enemies.

Nor need I enquire what your Lordſhip thinks of them, who value the reputation of their *Coat* or *Party*, more than the ſecurity of our *Religion*, *Laws*, and *Liberties*; and who are ſo blindly partial, as to aſſert it to be to impoſe the *Sacramental Teſt*, as a means to *preſerve the Peace* by an *uniformity* in what they call *the Religion of their Countrey*; and yet will ſacrifice the eſſentials of our Religion, and a Government, which is the Viſible ſecurity for that and us; rather than *Gentlemen* ſhould be thought to depart from Principles to be repented of, or to ſuffer for an obſtinate adhering to 'em, againſt Senſe, Conviction, and their own practice at the beginning of this *Revolution*; which not only *complyed with*, but *courted* by their greateſt Friends.

Some *Timorous Politicians* would be againſt Proſecuting the advantages, which a moſt propitious providence puts into our Hands; leaſt if our Enemies ſhould prevail, they ſhould profit of the Precedents for their Ruine, ſet by us. But

1. They who always act in fear of their Enemies are never likely to ſubdue 'em.

2. The others will never regard Precedents, when they have power of doing miſchief.

3. Not to diſable is to encourage 'em, and all gentle uſage to ſuch *Ingenerous Natures*, as appears by *recent experience*, is but warming the Snakes till they get ſtrength to ſtiag.

4. Not to diſarm an Enemy in our power, is a very abſurd effect of fear.

5. If that whereby we might diſable the Enemy, relate to *Priviledges*; they who will hazard Life and all, rather than deprive thoſe of the *Priviledges* of *Engliſh Men*, who juſtly forfeit 'em, are as ill *Patriots* as *Politicians*.

Wherefore I take leave here to lay before *your Lordſhip*, an *Abſtract* of thoſe reaſons, which long ſince convinced me, That the Government would be greatly wanting to it ſelf, if it ſhould not preſs for a farther caution for the fidelity of the Subject, than can be had from the Oath of *Allegiance*, appointed by the late Act of Parliament; and that, if they who contributed to the *preſent ſettlement*, or are for the *right* of it, expreſs a fooliſh tenderneſs for thoſe, who ſcruple all Oaths *Declaratory of the Right*, and engaging to *Defend* it; they will deſerve, what has for the moſt part been their fate, to be deſpis'd, and trampled on, whatever ſide is uppermoſt.

Upon which occaſion I cannot but apply the Obſervation of Ploughing with an *Ox* and an *Aſs*, to the *Papiſts* uſing the Services of the *Tory*, and the *Whigg*.

The Oath appointed by the late Act is this.

" *I Do ſincerely Promiſe and Swear, That I will be* Faithful, *and bear* True Allegiance *to* Their Majeſties, " *King* William *and Queen* Mary.

Upon which I may obſerve.

1. That this Oath is conceived in fewer Terms, than ever any Oath to the Government, required at Common Law, or by Statute.

2. The Omiſſions are very material; and ſeem to have been contriv'd by ſome to leave themſelves and their Friends a deſign'd Latitude, by others to draw Men in to Swear *Allegiance*, and to urge the true Import of the Oath upon them, who might think themſelves under no Obligation to defend this Government, notwithſtanding the Oath; for that

3. The Common Law Oath of *Fidelity*, and those which have been Enacted by any former Statute, always required *Defence* of the *King* or *Queen for the time being*; and acknowledged their *Right* to Govern, either in expreſs Terms, or by plain Implication. The Omiſſion of which, ſome have urged as an Argument, that the *Allegiance* Sworn to the *Late King*, was never intended to be alter'd or touch'd by this Oath.

4. Many have openly declared, that they have Sworn to this Government, not only without regard to its *Right*, but with a belief that the *right* remains in *King James*. This Colluſion is juſtified by the writings of Men of the greateſt Authority among them; and that not only of the preſent, but paſt Ages; particularly of Sir *Robert Filmer*, and *biſhop Sanderſon*; whoſe dictates are never diſputed by that ſet of Men.

5. That in Conſequence of ſuch belief, there can be no ſecurity in the words of ſuch an Oath, might appear from the Nature of the thing, and does evidently, from thoſe *Caſes* according to which, ſome miſled Men believe they may take the preſent Oath, and yet not only with ſome Men, queſtion whoſe commiſſion they ought to obey when *King William*, and *King James* interfere; but are poſitive that they ought to obey *King James*, and are not to ſerve *King William* farther than they may preſume the conſent of their *King* or *Right*.

6. If upon theſe accounts the Oath appears defective, not to obviate the known and common evaſion, would imply great neglect of the ſafety of a Government, which has done ſo much to make Men ſafe under it.

7. Parliaments in ſeveral Ages have found it expedient, to Secure the Subjects to maintain the *Eſtabliſhed Succeſſion of the Crown*: whereby great confuſions have been prevented upon the Deaths of Princes.

8. The Oath in Queſtion is now only Perſonal to his *Preſent Majeſty*; and they who deny his Right, notwithſtanding their Oath to bear *true Allegiance* to him; would certainly upon his Deceaſe, think themſelves at liberty to declare for *King James*, or the Prince of *Wales*, in excluſion of *Princeſs Ann*, and her Iſſue.

9. Conſequently, tho' *His Majeſty* may be ſecured of the Loyalty of many who take the Oath; they not being able enough to underſtand the thin-ſpun evaſions with which others ſeem to quiet their Conſciences, or to keep up their Reputation; all that wiſh well to the *Princeſs*, and indeed to the Peace of this Kingdom, are bound to uſe their endeavours for another Oath of *Allegiance*.

10. It being generally agreed that Oaths ought to be taken in the ſenſe of the Impoſers, and the Parliament which Enjoyned the Oath having recognized his Majeſty's Right, together with the late Queen; honeſt Men [illegible] with any colour of Reaſon, ſcruple an Oath [illegible] of the Right, more than they do the pre- [illegible] Oath.

11. Nor [illegible] more expreſs were requiſite, if it were [illegible] that material Perjury, into which too [illegible] taking the preſent Oath in a ſenſe direct[illegible] to the plain intention of the Law-[illegible].

12. It [illegible] conſidered, That there is no Act of [illegible] the Oath to his Majeſty alone: but the [illegible] ſtatute as to her late Majeſty, the in[illegible] is ſuppoſed to authorize the preſent [illegible] ſo ſatisfactory to nice Formaliſts, [illegible] Declaration of the Right, and obli[illegible] of the Settlement.

13. [illegible] Declaration againſt rebellion required by [illegible] Subjects to abjure the King, not naming his Majeſty King *William*; to that end who will have the [illegible], would according to the publick [illegible] Caſes, except ſuch as hold *Non-reſiſtance*, who [illegible] by the ſovereign Power, think themſelves bound to take Arms againſt *King William*, whenever they have an inviting opportunity and Commiſſion from *King James*. Which makes it highly reaſonable, if not neceſſary, to diſtinguiſh 'em from them, who are reſolved to do their Duty in Fighting in Defence of *King William*, and the Succeſſion by Law Eſtabliſh'd.

14. An Oath to Defend the preſent Government, and in effect to declare it *Lawful* and *Rightful*, is yet in force at Common Law; ought to be generally enforced at *Leets* and elſewhere; and may be required of all the Subjects by ſpecial Commiſſion. Wherefore an Oath expreſly declaring the Right, would induce nothing new; unleſs in the penalty for refuſal.

15. Allegiance to the Prince, is in its own Nature, the Duty of *Loyal* or *Liege* Subjects to their *Liege Lord*, and is founded upon his Right to the Government, or being *Lawful* and *Rightful King*. As therefore whoever Swears Allegiance to his Majeſty, virtually acknowledges his Right; he that ſhall refuſe to Swear to the Right, when duly required, will effectually ſhew that he reſolves not to pay the Allegiance which is due.

16. Allegiance at Common Law, binds to the Defence of the Kingdom as well as the King; and therefore the Subjects of this Realm, are in a double reſpect under an Allegiance contrary to any pretence of Right in the Late King.

17. It having been duly and Authoritatively declared, that the Late King had broken the Original contract between Prince and People; and his Majeſty King *William* having been in like manner declared King; there is as much reaſon to Swear that his Preſent Majeſty is *Lawful* and *Rightful King*, as there ever was to take the like Oath to *K. J. C. I. C. II.* and *K. II.*

18. An Oath expreſly *Abrogatory* of any pretence in the *Late King*, is fully as Juſt, and as expedient, as the Oaths required in ſeveral Reigns, declaring againſt the pretended Authority of the *See of Rom.*, or of any *Foreign Prince, or Potentate*.

19. As Cowardice, or ſome mighty expectations upon a Change, rather than Conſcience, muſt be thought to have made many backward to acknowledge his *Majeſties Right*; if the preſent Power ſhould not work upon Men's hopes and fears, more than a Power in a *Remote*, and, as it is to be hoped, *Vain poſſibility*; it would argue great neglect, or treachery ſomewhere.

20. If fear be more prevalent than ſenſe of Duty, it were to be thought that Men ſhould ſecretly deſire to be under the obligation of an Oath, expreſly requiring the Defence of the ſettlement; that if a Change ſhould happen, they might plead neceſſity in excuſe of their honeſt endeavours to have prevented it.

21. By the Law of God, and of Nations, as well as of this Land, the Obligation of *Protection* and *Pa[illegible]* is reciprocal; and the Subjects are as much obliged to *Defend* their *Prince*, as he to *Protect* his *Subjects*. But the Doctrine of *Non-reſiſtance*, or of *Obedience* meerly *Paſſive* is New, and of pernicious conſequence, [illegible] to the late Doctrine of *providence*, or, of *Gods* [illegible] *Diſpoſing of Kingdoms*; which makes Allegiance as uncertain as the events of War, or publick counſel.

22. An Oath by which few, if any, think themſelves obliged to more than they would certainly do without any Oath; is in effect to have none; but to have [illegible] were to condemn the Wiſdom and Experience of [illegible] Ages.

I ſhould not think it enough barely to aſſert ſo many propoſitions, were it not for a Labour'd Treatiſe [illegible] liſh'd *An.* 1694. making evident from Records, [illegible] and Law Books, all that may ſtand in need of proof [illegible] this Subject, and anſwering the moſt plauſible Objections againſt ſuch an Oath, as is here contended for.

Upon the whole, to engage by Oath to [illegible] *peſtive* Perſon, and maintain the Act of Settlement, [illegible] be ſo far from engaging to Fight againſt [illegible]

that to refuse it, would argue a diſtruſt of *Providence*: and to incur the imputation of being againſt the *Preſent Government*, rather than diſoblige any Body, who poſſibly may come into power; were in Truth to oppoſe that *Providence*, which has made the preſent ſettlement, and is likely to protect us in the diſcharge of our Duty to it.

For the Government to require ſuch an Oath, would be ſo far from implying its being in as deſperate a condition, as a Papiſt brought to *Extream Unction*; That on the other ſide, to decline it, would argue an unſoundneſs in ſome Vital Part, and ſuch a weakneſs as will not admit of a gentle Purge.

This would be far from obliging Men to Swear to a *vast part*, as poſſibly, ſome of ſuperficial knowledge in our Conſtitution may hold; while they, with all their Sophiſtry, can never reconcile their two *contrary Allegiances*, to the Law of God, or of this Land, or to common ſenſe.

If the example of general Inſurrections in former Ages be urged, to ſhew the inſecurity of the moſt expreſſive Oaths of Allegiance, it is to be conſidered.

1. That moſt, if not all of 'em, were in Defence of the Kingdom: which comes not within the preſent Queſtion.

2. It may eaſily be prov'd, that few if any of 'em, have been againſt any King till he, by the *Conſtitution of this Monarchy*, *ceaſed to be King*.

3. No Riſing againſt any Government, which never had Legal Settlement, and had no other foundation but force, can come within this Queſtion; the obligation continuing no longer than the Force did; which is a full anſwer to the rejecting the Protector *Richard Cromwell*, after Oaths to him; yet if *Oliver* had lived ſome years longer, the Reſtoration of *C. II.* would have been morally impoſſible.

4. Inſurrections in *England* have rarely ſucceeded without Foreign aſſiſtance, and the Nation ought to take care to encourage Generous *Deliverers*, by ſhewing as much forwardneſs to act for them, as they to Reſcue the People from Tyranny.

But if the preſent Oath be leſs expreſſive of the Duty of the Subject than any ever yet known; If it is notoriouſly evaded and rendred inſignificant; why ſhould this Government be leſs ſecured, and more redected on, than our Law ever hitherto allow'd? Is it for want of Right? then indeed, it might well be ſayd, *Let us repent of our former Oaths, rather than take New*: For it is evident, that all Oaths of Allegiance are Founded upon the Suppoſition of *Right to Govern*. Is it becauſe the *late King*'s pretence of Right is ſupported by *France*? This certainly would be the greater argument for a farther Oath, to ſhew that we are Enemies to *France*, as we pretend to be. And they who refuſe this when the *French* threaten an Invaſion, encourag'd by a barbarous Plot to *Aſſaſſinate* his *Majeſty*, may thank themſelves if they are treated as Enemies.

That many ſhould refuſe ſuch an Oath, when duly enforced, there is not the leaſt ſhadow of reaſon to believe; and if it ſhould be taken by ill Men, who ſeem unalterably attach'd to the *Late Kings pretended Right*, the very taking the Oath would break all confidence between them and their Old Party, diſable 'em from ſerving that ſide; and inſenſibly draw 'em to Act in good earneſt, according to the apparent obligation of their Oath, and their trueſt Intereſt.

I know it is often urged, that Oaths bind none but honeſt Men; yet it cannot be doubted but many who would be thought ſuch, would be bound, rather than loſe the advantages they now enjoy, while they ſhrewdly keep off from the Cauſe of God and their Country; thinking it a commendable piece of wiſdom to attend the *events of providence*, rather than to uſe means to preſerve that Peace and ſecurity to our Religion, which providence has ſettl'd among us.

If all the honeſt Men, who are *Lovers of their Country*, and of the *Preſent Government*, to which they owe the Reſtitution of its *Laws* and *Liberties*, by ſufficient means to diſtinguiſh themſelves from thoſe who look for a New *Revolution*; I am perſuaded, That which looks like a formidable Party, through the weakneſs of ſome who give acceſſion to their own Ruin, would be ſhamed out of its perverſneſs.

Tho' the Peoples Zeal for a *Proteſtant Queen*, put 'em upon a voluntary *Aſſociation*, to ſtand by one another in the defence of *Her*, and their Religion: Which was afterwards ratified in *Parliament*: Yet it muſt be confeſſed, That for the moſt part it were deſirable, that the Effects of ſuch Zeal ſhould be prevented, by a prudent anticipation.

Certain it is, *Your Lordſhip*, and the numbers of *Nobility*, and *Gentry*, with the *Body of the common People*, who are for maintaining the *Act of Settlement*, will not tamely give it up: But had much rather know beforehand, *who and who are together*. But will it ever be believed in Story, That any who were inſtrumental in the late *Revolution*, and *Settlement*, and are, by Principle, for the *Right* of this Government, ſhould be againſt making it the Intereſt of others, to acknowledge that Right? Can they neglect the *Providence*, which would give Authority to their Opinions, if they themſelves did not fight againſt it? Becauſe Men, who come reeking with the Blood of the beſt of our *Patriots* upon 'em, now ſet up for a *Country Party*; ſhall the Sons or Friends of the *Martyrs for their Country*, be charm'd out of their Senſes, to find thoſe *Sauls among the Prophets*?

This hot fit will ſoon be over, and give way to that other Rage, which has long plagued this Nation; and now ſeems the choice of thoſe very Men, who have ſuffer'd moſt under it.

I can hardly think 'em ſo weak, to imagine that this *new Country Party*, ſpawn'd from the Corruption of former Reigns, ſhould help to eſtabliſh them at the Helm.

And I may add, That to dream of this were much more abſurd, than the Expectation of the *Tories*, to engroſs Preferments upon the return of the *late King*, or ſetting up the pretended Prince of *Wales* with Proteſtant *Tutors*, and *Regents*.

Yet I cannot but hope, to ſee them convinced of the Vanity of ſuch Expectations, by the eſtabliſhment of an *Oath* to maintain the *Act of Settlement*.

In which, that there would be the entire Concurrence of the Body of this Nation; beſides, other Arguments, may appear, from the unanimity of the Proteſtants of *Lancaſhire*; who, tho' the *Papiſts* there pretend to almoſt equal Numbers, yet at the very time when our Fleet retired from before the *French*, who were dayly expected to land, chearfully ſubſcribed the following *Declaration*: By which they look'd upon themſelves as liſted for His *Majeſty*'s *Service*: As we are to preſume they do, who have ſubſcribed the *Addition* made by this Houſe of *Commons*: Each which I here ſet in diſtinct Columns, becauſe of their reſemblance to each other.

To the King and Queen's most Excellent Majesty. The humble Declaration of the Nobility, Gentry, Militia, and Commonalty of the County Palatine of Lancaster.

'WE Your Majesties most dutiful and obedient Subjects, being fully satisfied in our Consciences, That Your Majesties are *the Lawful and Rightful King and Queen* of these Realms; and *abborring their Principles*, who, *either refuse to swear Allegiance* to Your Majesties; or, if they have sworn, declare, they are *not bound to assist* Your Majesties; in consequence of which, it is too evident that there has been *great Treachery* in many of Your Majesties Subjects; Therefore do declare, That we are ready and resolv'd to draw our Swords, and venture our Lives and Estates, in Defence of Your Majesties Persons and Government, against all the Force of Foreign Enemies, and of them at Home, who, that their Plot might pass unobserved, have traduced Your Majesties most Loyal Subjects, as designing a *Commonwealth*: but have made it manifest, that themselves were for the *French Monarchy* and *King*: who by the evil Counsels of Men, thinking of nothing more than to enslave their Country, has been taught and enabled to build Ships, and to arrive to that Power, which has brought so many Calamities upon Your Majesties Dominions: From which we are delivered, through the Resolution and Wisdom of Your Majesties, in an extraordinary manner, bless'd by God, and admired by Your Subjects; in whose Hearts Your Majesties entirely reign.

☞ *This* Declaration *was subscribed by above Twenty eight Thousand Persons, and presented by the Earl of* Macclesfield, *whom they would readily have followed into the Field.*

The Association, subscribed by near Four Hundred Members of the House of Commons.

'WHereas there has been a horrid and detestable Conspiracy, formed and carried on by Papists, and other wicked and traiterous Persons, for Assassinating His Majesties Royal Person, in order to incourage an Invasion from *France*, to subvert our Religion, Laws, and Liberties: We whose Names are hereunto subscribed, do heartily, sincerely, and solemnly, profess, testifie, and declare, That His present Majesty, King *WILLIAM*, is *rightful* and *Lawful King* of these Realms. And we do mutually Promise and Engage, to stand by, and assist each other, to the utmost of our Power, in the Support and Defence of His Majesty's most Sacred Person and Government, against the *late King James*, and all his Adherents. And in case His Majesty come to any violent or untimely Death (which God forbid) we do hereby further, freely, and unanimously oblige our selves, to unite, associate, and stand by each other, in Revenging the same upon His Enemies, and their Adherents; and in Supporting and Defending the Succession of the Crown; according to an Act made in the First Year of the Reign of King *William* and Queen *Mary*, intituled, *An Act declaring the Rights and Liberties of the Subjects, and Settling the Succession of the* Crown.

Since which, the whole House *of* Peers, *except* 11 Temporal *and* 2 Spiritual Lords, *have subscribed an* Association *much the same.*

Such indeed is the Vertue of the Common Men of *England*, That Danger but unites and stirs 'em up, for acting in the Defence of the Kingdom.

And I must say, the Nobility especially, are in Intereſt as well as Gratitude, obliged to do their utmost to preserve a Government, which has restored to them that Security, in relation to their Trials, which they had been deprived of from the time of *Hen.* VII. and which must stand and fall with the *Act of Settlement*.

If either the King, or Princess *Ann*, should be indifferent in this Matter, presuming upon the Affections of the People; I am sure they, who wish well to *England*, ought to look upon it as their Concern: Such an Oath being as necessary for their Safety, as it can be either for His *Majesty*, or the *Princess*.

In whose undivided Intereſt, that a true Love for your Country, has settled your Lordship's Judgment, must be believed by all, who have the Honour to Converse with *Your Lordship*; But by no Man with more firm Grounds of Certainty, than by

(*My* LORD,)

Your Lordship's most Faithful

Humble Servant,

W. A.

LONDON, Printed for *John Salusbury*, at the *Rising-Sun* in *Cornhil*.

AN IMPARTIAL
State of the Caſe
OF THE
EARL of DANBY,
IN A
LETTER
TO A
MEMBER
OF THE
Houſe of Commons.

LONDON,
Printed in the Year, 1679.